

CHAPTER NO. 896

SENATE BILL NO. 897

By Rochelle, Cohen, Harper, Burks, Kurita, Haynes

Substituted for: House Bill No. 989

By Hargrove, Briley, Lois DeBerry, Rinks, Ulysses Jones, Kisber, Ronnie Cole, Brooks, Bowers, Cooper, Larry Miller, Fraley, Brenda Turner, Armstrong, Mr. Speaker Naifeh

AN ACT To amend Tennessee Code Annotated, Section 40-35-114, relative to sentencing enhancement factors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following as a new, appropriately designated numbered item:


(22) The defendant intentionally selects the person against whom the crime is committed or selects the property that is damaged or otherwise affected by the crime in whole or in part because of the actor's belief or perception regarding the race, religion, color, disability, sexual orientation, national origin, ancestry or gender of that person or of the owner or occupant of that property. However, this subsection should not be construed so as to permit the enhancement of a sexual offense on the basis of gender selection alone.

SECTION 2. Implementation of the provisions of this act shall be subject to the funding being provided in the General Appropriations Act.


SECTION 3. This act shall take effect July 1, 2000, the public welfare requiring it.

**PASSED: June 7, 2000**

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

**APPROVED this 19<sup>th</sup> day of June 2000**

  
DON SUNDQUIST, GOVERNOR